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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,370	07/03/2003	Alex Tsekhanovsky	02275	4829

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EXAMINER

JACKSON, ANDRE L

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/613,370

**Applicant(s)**TSEKHANOVSKY ET AL. **Examiner**

Andre' L. Jackson

**Art Unit**

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 15 and 18 is/are rejected.
- 7) ☒ Claim(s) 16, 17, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/03/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION****Drawings**

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: On page 12, line 4 of applicant's disclosure, applicant refers to an "air piston assembly 130" as seen in Figs. 8-11, however, the reference numeral ("130") is omitted from these figures. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**Specification**

The disclosure is objected to because of the following informalities: On page 10 of applicant's disclosure, applicant refers to a "left housing" with multiple reference numerals "50 50". These reference numerals are duplicated at lines 6, 9 and 17 respectively. Appropriate correction is required.

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### *Abstract*

Applicant is reminded of the proper language and format for an abstract of the disclosure:

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### **Claim Objections**

Claims 1 and 8 recite the limitation "the body" in lines 15 and 19 respectively. There is insufficient antecedent basis for this limitation in the claims.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,131,188 to Hutchison et al. Hutchison et al discloses an automatic sliding door closure device, the device comprising;

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a cable (40) having a first end attached to a door frame (4) during use; at least one tensioning means (78) connected the sliding door during use, the tensioning means tensioned by the cable during use; and an air piston (64) linked to the tensioning means providing controlled release of the tension in the tensioning means controlling closure speed of the sliding door during use.

As to claim 18, a control valve (108) is provided controlling the pressure within the piston.

#### **Allowable Subject Matter**

Claims 16, 17, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-14 are allowed over the prior art made of record.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest the combination of limitations nor the structural arrangement of these limitations as presented in applicant's claims. In particular, the prior art of record does not disclose or suggest a sliding door closure device including a housing, a pulley rotatably mounted within the housing. A first gear rotatably mounted within the housing having a plurality of radially spaced teeth. A second gear within the housing having a plurality of radially spaced teeth in meshed relation with the teeth of the first gear. First tensioning means (first spring member) engaged with the first gear, tensioning movement of the first gear. A second tensioning means (second spring member) engaged with the second gear,

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tensioning movement of the second gear during movement of the second gear in an opposite direction from movement of the first gear.

A cable having an exterior end for attachment to a door frame during use and an interior end connected to the first gear rotating the first gear during use. An air piston assembly is provided including a connecting arm, an airtight cylinder oriented parallel with a sliding door track defining a hollow interior cavity. A plunger arm connected to the connecting arm sized and shaped for movement within the hollow interior cavity of the airtight cylinder. A flexible member connected to the plunger arm slidably contacting walls of the hollow interior cavity of the airtight cylinder and an airflow control valve within a wall of the airtight cylinder.

None of the prior art references whether taken alone or used in combination thereof disclose or suggest all of the combined structural limitations or the structural arrangement of these limitations as set forth in applicant's claims.

### **Conclusion**

Additional references are cited on the PTO 892 form but were not used to determine patentability of this application instead the references gave background information on door closure devices including dampening means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson  
Patent Examiner  
AU 3677

ALJ



ROBERT J. SANDY  
PRIMARY EXAMINER